

MAR 10 2008

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY PAUL JOHNSON,

Defendant - Appellant.

No. 07-30025

D.C. No. CR-06-00287-001-MJP

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Submitted February 26, 2008\*\*

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Jerry Paul Johnson appeals from the 92-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of 18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Johnson contends that the district court plainly erred by treating two of his prior offenses as unrelated for purposes of calculating his criminal history.

Because Johnson's offenses were separated by his January 14, 1992, intervening arrest, the district court properly treated his offenses as unrelated. *See United States v. Gallegos-Gonzalez*, 3 F.3d 325, 328 (9th Cir. 1993).

The government's motion for judicial notice and to supplement the record on appeal is denied.

**AFFIRMED.**